

# Exhibit A

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

IN RE:

PATRICK McALLISTER, Chapter 7

Debtor. Case No:  
5-22486-rdd

- - - - - X

NORTHERN WESTCHESTER SURGICAL  
ASSOCIATES, LLP,

Plaintiff,

Adversary No:  
15-08339-rdd

-against-

PATRICK McALLISTER,

Defendant.

- - - - - X

HELD AT: Bronson Law Offices  
480 Mamaroneck Avenue  
Harrison, New York 10528  
May 12, 2016  
1:05 p.m.

Examination before Trial of the  
Debtor/Defendant, PATRICK McALLISTER,  
pursuant to Court Order, held at the above  
time and place before a Notary Public of the  
State of New York.

J & L REPORTING SERVICE  
of Westchester, Inc.  
50 Main Street, Suite 1000  
White Plains, New York 10606  
(914) 682-1888  
Lisa Dobbo, Reporter

## A P P E A R A N C E S:

ALBERT A. HATEM, P.C.  
Attorney for the Plaintiff  
Office & Post Office Address  
202 Mamaroneck Avenue, Suite 201  
White Plains, New York 10601

BRONSON LAW OFFICES  
Attorneys for the Debtor/Defendant  
Office & Post Office Address  
480 Mamaroneck Avenue  
Harrison, New York 10528  
BY: H. BRUCE BRONSON, ESQUIRE

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that the sealing and filing of the within deposition be waived; that such deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED, that all objections, except as to form, are reserved to the time of trial.

PATRICK McALLISTER, residing at  
154 North Street, Cortlandt  
Manor, New York 10561, having  
been duly sworn by Notary  
Public, Lisa Dobbo, testified  
as follows:

EXAMINATION BY MR. HATEM:

Q. Please state your full name for  
the record.

A. Patrick McAllister.

Q. Please state your address for  
the record.

A. 154 North Street, Cortlandt  
Manor, New York 10561.

Q. Good afternoon, Mr. McAllister.  
My name is Al Hatem. I'm the attorney for  
Northern Westchester Surgical Associates,  
LLP which is a plaintiff in an adversarial  
proceeding case commenced in the Bankruptcy  
Court in addition to which there's a pending  
Supreme Court action County of Westchester  
against yourself and Elizabeth McAllister.

I'm going to be asking you a series  
of questions with regards to some payments

1 that were made by United Health Care/The  
2 Empire Plan. I'm going to ask you  
3 questions. If you don't understand a  
4 question that I've asked you, indicate to me  
5 that you don't and I'll try to rephrase it  
6 or through your attorney make the same  
7 request that I rephrase it. All your  
8 responses have to be verbal so that the  
9 court reporter can take them down and just  
10 shaking laterally can't be taken down so  
11 easily. With that, let's get started  
12 because I don't want to keep you much longer  
13 than you have to be.

14 Your date of birth, please.

15 A. 9-17-55.

16 Q. Are you currently married, sir?

17 A. Yes.

18 Q. To whom?

19 A. Elizabeth McAllister.

20 Q. Your wife's maiden name?

21 A. Jacob, J-A-C-O-B.

22 Q. Is it Jacob or Jacobs?

23 A. No S.

24 Q. Does your wife currently reside  
25

with you?

A. No.

Q. Where does she reside?

A. I'm not too sure.

Q. If I gave you an address in Melbourne, Florida, would that ring a bell?

A. Not really, no.

Q. Do you know if your wife owns a piece of property known as 7 Prince Charming Road in Nesconset, New York?

A. I have no knowledge of that.

Q. You have no knowledge.

Are you currently involved with a divorce proceeding between yourself and your wife?

A. Yes, I am.

Q. When did that start?

A. It depends on who you ask. It started -- 2015 is the first time that I was served, early 2015 I was served with papers but I noticed today that the document number on the case is from 2013 so apparently she filed it two years before I was served.

Q. Are you the plaintiff or the

defendant in the matrimonial?

A. Defendant.

Q. Your wife does not reside with you, I'm sorry?

A. No.

Q. Do you know when she left the marital residence?

A. Not exactly but I think it was November of '14.

Q. You and she had been living together at 154 North Street in Cortlandt manor, New York --

A. Yes.

Q. -- up until approximately November of 2014?

A. Yes.

Q. How many children do you have from the marriage --

A. Three.

Q. -- between yourself and Elizabeth?

THE WITNESS: I'm sorry.

MR. BATEM: It's okay, Mr.

McAllister. Please let me finish the



question because I could slip in something at the very end that your answer to a yes might change.

THE WITNESS: Okay.

Q. You have three children.  
Are they all residing with you, sir?

A. Yes.

Q. An their ages?

A. Kathleen is 23.

Q. Can you spell Kathleen for us?

A. K-A-T-H-L-E-E-N; Michael is 22  
and James is 20.

Q. As a result of the pending divorce proceeding, are you currently paying alimony or maintenance?

A. I'm paying maintenance.

Q. How much are you paying, sir?

A. \$2,000 a month. Roughly it's 2,000 in change, small change.

Q. Can you tell me the composition of the 2,000; is it 2,000 in cash, are you writing checks?

A. It just stopped coming in my paycheck somehow. It was directly through

1 the payroll. I just never saw it. It goes  
2 directly to her from my payroll office.  
3

4 Q. It's a deduction from your  
5 salary?

6 A. Yes.

7 Q. How often is it deducted; once  
8 a month?

9 A. Every two weeks.

10 Q. Is that how you get paid, every  
11 two weeks?

12 A. Yes.

13 Q. How much is your gross salary  
14 every two weeks?

15 THE WITNESS: With that or  
16 without it?

17 MR. HATEM: Before the --

18 A. I'm not even sure to tell you  
19 the truth; 3,200, I think. I'm not sure.

20 Q. What is your current net salary  
21 after the deduction for the maintenance?

22 A. \$1,000.

23 Q. If I understand you correctly,  
24 you're left with \$1,000 every two weeks to  
25 pay your other expenses?

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A. Yes, sir.

Q. Are you currently employed,  
sir?

A. Yes, I am.

Q. By whom?

A. The New York State Unified  
Court System.

Q. How long have you been employed  
by the New York State Court System?

A. Since '83; 33 years.

Q. 1983?

A. Yes, November '83 I started.

Q. How long do you have until  
retirement?

A. I could retire now. I have  
what's required but I'm not supposed to  
retire until my divorce case is settled  
according to the --

Q. According to?

A. The judge in the divorce case.

Q. With regards to the alimony  
payments or maintenance payments that you're  
paying to your wife of 2,000 a month, is  
there a court order directing that those

monies be taken from your salary?

A. Yes.

Q. Do you have a copy of that order?

A. No.

MR. HATEM: If I leave a space in the record, can I get copy of that?

THE WITNESS: I don't know if I even have one. I'll check. I have -- you see, I just -- I have a new attorney coming in on that case. The old attorney was just relieved. With respect to papers, I don't know what I have.

MR. BRONSON: We're being requested to produce a document so if you have it, if we --

THE WITNESS: If I have it, I will --

MR. BRONSON: -- can get it within reasonableness.

Q. You're saying your attorney is no longer Patrick Bonanno?

A. No.

Q. Who is your new attorney, sir?

A. I don't really have one yet.

Q. You're in between?

A. Yes.

Q. What is your job title with the New York Court System?

A. Lieutenant.

Q. How long have you been a lieutenant?

A. 12 years.

Q. What is your current salary or what was your annual salary in 2015?

A. 88,500.

Q. According to your bankruptcy petition that you filed with the court your salary in 2013 and 2014 was \$93,000.

Is there a reason why your salary dropped to 88,500?

A. TL's the 93 includes some overtime. The base is 88.

Q. The 83,500 is the base?

A. Yes, 88,500 is the base and then 93 is a little overtime.

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Q. You had no overtime in 2015?

A. I haven't worked any in quite  
awhile.

Q. By choice?

A. Not really.

MR. HATEM: Off the record.

(Whereupon, a discussion was  
held off the record.)

Q. As a result of your employment  
with the New York Court System, do you have  
medical insurance?

A. Yes, sir.

Q. With what carrier is the  
medical insurance?

A. United Health Care.

Q. Also known as The Empire Plan?

A. Yes.

Q. Who pays the premiums for the  
medical insurance?

A. I believe it comes out of my  
salary. It's deducted.

Q. What is it that causes you to  
believe that, sir?

A. I just always assumed. I'd

have to check a stub but I believe it is.

Q. According to your bankruptcy petition Schedule J there's no deduction for medical premiums for the policy; is that inaccurate?

A. I'm really not sure. I'd have to check the stub.

MR. BRONSON: Off the record a second.

(Whereupon, a discussion was held off the record.)

Q. The medical insurance that you have with the New York State Court System, does that medical insurance provide coverage for your wife?

A. Yes, it does.

Q. As well as for your children?

A. Yes.

Q. Some or all the children?

A. All.

Q. Are they all eligible, even the 22 year old?

A. Yes.

Q. And that's by virtue of being

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in college or a full-time student?

A. No, my coverage covers them up until they're 26, I believe, if they live at home.

Q. Did you receive any medical treatment from September of 2014 to January of 2015, you?

A. I believe I was -- I'm really not sure. I might have been in the hospital for a day for a leg problem but --

Q. Do you know which hospital it would have been?

A. Hudson Valley Hospital Center.

Q. Where is that located?

A. It's in Cortlandt Manor, New York.

Q. Anything else between that period of September of 2014 and January of 2015?

A. Not that I can think of, no.

Q. Did your wife receive medical treatment from Northern Westchester Surgical in October of 2014?

A. I don't know.



Q. You don't know.

That would have been before she left the marital residence in November of 2014?

A. Well, things weren't good and she had a lot of medical treatment. I don't know with who and that's the part of the question I can't answer that.

Q. Do you know if Northern Westchester Surgical presented a claim for coverage to United Health Care/The Empire Plan for services they allegedly rendered to your wife Elizabeth?

A. I was never notified.

Q. You were never notified prior to the procedures or subsequent to the procedures or at any time?

A. At any time.

Q. Do you recall receiving checks from The Empire Plan in October, November or December of 2014?

A. Yes.

Q. Do you recall how many checks?

A. No.

Q. Do you know if the checks were

made payable to you?

A. I believe they were, yes.

MR. HATEM: Let's mark these.

(Whereupon, Plaintiff's Exhibit  
1, Photocopy of Check - last four  
digits ending 2351, was marked for  
identification.)

(Whereupon, Plaintiff's Exhibit  
2, Photocopy of Check - last four  
digits ending 7888, was marked for  
identification.)

(Whereupon, Plaintiff's Exhibit  
3, Photocopy of Check - last four  
digits ending 2781, was marked for  
identification.)

(Whereupon, Plaintiff's Exhibit  
4, Balance Sheet, was marked for  
identification.)

Q. Mr. McAllister, I'm going to  
show you what's been marked as Plaintiff's  
Exhibit 1 which appears to be The Empire  
Plan check, last four digits ending 2351.

I'll ask you to take a look at that,  
please, sir.

(Handed)

Q. By looking at the check, sir, does that refresh your recollection as having received that check?

A. I mean not really but I'm not denying it. I don't remember it.

Q. According to what's been marked Plaintiff's Exhibit 1 appears to be the face of a check; is that correct?

A. Yes.

Q. And below the face of the check appears to be your signature; is that your signature, sir?

A. Yes, it is.

Q. The date on the check, Plaintiff's Exhibit 1 December 22nd, 2014, does that date refresh your recollection as to when you may have received this check?

A. Not really, no.

Q. Do you recall depositing that check into your account?

A. Do I recall doing it, no. I'm not denying it but I don't recall it.

Q. What bank do you bank with,

sir?

A. Citibank.

Q. That was the bank that you  
dealt with in 2014?

A. Yes, sir.

Q. Any other banks, sir?

A. No.

Q. Do you have a checking account  
only or is it a checking account, savings  
account?

A. Just checking.

Q. Would it be a singular  
account --

A. Yes.

Q. -- in your name only?

A. Yes.

Q. Is that account still opened  
today?

A. Yes, it is.

Q. Is that the same account you  
were using in 2014?

A. Yes.

Q. Sir, I'm going to show you  
what's been marked as Plaintiff's Exhibit 2.

I ask you to take a look at it. It appears to be a check from The Empire Plan last four digits 7888.

(Handed)

Q. Look it over from top to bottom.

A. Yes, sir.

Q. Have you ever seen that check before today?

A. Again, I mean I'm not denying it but I don't particularly remember it so --

MR. HATEM: All I can do is ask you as I phrase the question.

A. I'm sure I did but I don't recall.

Q. What is it about Exhibit 2 that you're sure you did see it?

A. It shows a copy of the back with my signature on it.

Q. Do you recall by your endorsement what you did with that check, sir?

A. No.

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Q. Is it possible you may have deposited it into your Citibank account?

A. Yes.

Q. You wouldn't have gone to check cashing place?

A. No.

MR. BRONSON: You asked if it was possible. That's not really a great question.

MR. HATEM: Would you like me to rephrase it?

MR. BRONSON: Please.

Q. As you sit here today, Mr. McAllister, do you recall depositing that check into your Citibank checking account that you had in 2014?

A. Yes.

Q. Sir, I'm going to show you what's been marked as Plaintiff's Exhibit 3 which appears to be a check from The Empire Plan last four digits 2781.

(Handed)

Q. I ask you to take a look at that, please.

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2 Did you receive that check, sir,  
3 Plaintiff's Exhibit 3?

4 A. I would say yes.

5 Q. That's your signature that  
6 appears below the face of the check?

7 A. Yes.

8 Q. Did you deposit that check into  
9 the Citibank checking account that you  
10 maintained in 2014?

11 A. Yes.

12 Q. To the best of your  
13 recollection, sir, as you sit here today  
14 when you received these checks, did you  
15 receive a document that's known as an EOB,  
16 explanation of benefits?

17 A. I don't recall.

18 Q. Once the funds cleared your  
19 Citibank checking account, sir, did you make  
20 a payment to Northern Westchester Surgical?

21 A. No.

22 Q. Did you have any idea when you  
23 received the checks what the checks were  
24 for?

25 A. I wasn't sure, no.

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Q. Did you contact United Health Care/The Empire Plan to ascertain what the checks were issued to you for?

A. No.

Q. Were you ever contacted by Northern Westchester Surgical at or around the tail end of 2014, early part of 2015 inquiring about checks?

A. I really don't remember. I very well could have been but I don't recall.

Q. Do you recall having a telephone conversation with a Margaret Cassidy with regards to the three checks that have been marked as Plaintiff's Exhibit 1, 2 and 3?

A. Do I recall, no.

Q. Do you recall having a conversation with anybody from Northern Westchester with regards to those three checks?

A. I vaguely remember a phone call. I don't really remember details of the conversation.



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Q. Where were you when you  
received that phone call?

A. I don't remember that, either.

Q. Were you at home?

A. I really don't know.

Q. Were you at the race track?

A. No, I don't go to the race  
track.

Q. Were you at work, sir?

A. I could have been, I guess. I  
don't know.

(Whereupon, Plaintiff's Exhibit  
5, Letter dated 12-8-14, was marked  
for identification.)

(Whereupon, Plaintiff's Exhibit  
6, Statement dated 1-16-15, was  
marked for identification.)

Q. Mr. McAllister, I'm going to  
show you what's been marked as Plaintiff's  
Exhibit 4.

(Handed)

Q. I ask you to take a look at  
that document.

Have you seen that document before

today, sir?

A. Not that I remember.

Q. Do you recall if that document was included with the three checks, Plaintiff's Exhibit 1, 2 or 3 when the checks were issued and forwarded to your address?

A. I really don't know. I don't remember seeing this before.

Q. What is it that you do for the New York State Court System?

A. I'm a lieutenant.

Q. What do lieutenants do?

A. We supervise court officers and court officers, sergeants.

Q. I'm going to ask you to take a look at what's been marked as Plaintiff's Exhibit 5.

(Handed)

Q. You read the document, Plaintiff's Exhibit 5?

A. Yes.

Q. Have you seen that document before today, sir?

A. I really don't recall it.

Q. So, you might have?

A. I could have.

Q. After having read that letter, what is that letter asking?

A. It's asking for the payment checks, those checks, I would assume. It's from the doctor's office.

Q. The document is dated December 8th, 2014; correct?

A. Yes, it is.

Q. Do you recall having a telephone conversation with somebody at Northern Westchester Surgical at or around that date?

A. I really don't.

Q. Any of the three checks that have been marked as Plaintiff's Exhibit 1, 2 or 3, did you ever issue a check to Northern Westchester Surgical?

A. No.

Q. I'm going to show you what's been marked as Plaintiff's Exhibit C.

(Handed)

1  
2 Q. I ask can you to take a look at  
3 that document, sir.

4 Have you seen Plaintiff's Exhibit 6  
5 before today?

6 A. Not that I remember.

7 Q. Not that you remember.

8 Is it possible that you may have?

9 A. I really don't remember this.  
10 I guess it's possible but I don't remember  
11 seeing this before.

12 Q. The date on Plaintiff's Exhibit  
13 6 is January 16th, 2015; is it not?

14 A. Yes.

15 Q. That's after the date that your  
16 wife left the marital residence in November  
17 of 2014; is that correct?

18 A. Yes, it is.

19 Q. But it's addressed to 154 North  
20 Street in Cortlandt Manor, New York?

21 A. Yes.

22 Q. That's where you currently  
23 live, sir?

24 A. Yes.

25 Q. As you sit here today, you

1 don't recall seeing this correspondence?

2 A. No, I don't -- well, no, I  
3 don't.

4 MR. HATEM: Off the record.

5 (Whereupon, a discussion was  
6 held off the record.)

7 Q. Sir, as you sit here today, do  
8 you recall a telephone conversation with a  
9 Margaret Cassidy on December 12th, 2014 at  
10 your place of employment?

11 A. No, I don't.

12 Q. Do you recall speaking to an  
13 individual on December 12th, 2014 where you  
14 made the statement that your wife may have  
15 received the checks, that you were  
16 separated, that she had access to the  
17 mailbox?

18 A. I don't remember saying it.  
19 No, I don't remember.

20 Q. Do you recall saying to an  
21 individual that you worked at the Brooklyn  
22 Supreme Court and that there would be  
23 repercussions if that person continued to  
24 call you?  
25

1  
2 A. Once they -- yes, they called  
3 my place of employment. We're not allowed  
4 to get personal calls so yes I probably said  
5 that.

6 Q. Did that individual that you  
7 referenced, did that person indicate that  
8 they were from Northern Westchester  
9 Surgical?

10 A. I really don't remember.

11 Q. After depositing the checks  
12 into your Citibank account, did you make any  
13 payments to your wife?

14 A. No.

15 Q. This may sound like a stupid  
16 question, but did you think you won lotto  
17 when you got those three checks, sir?

18 A. It was a very bad time. I  
19 really didn't care where they came from. I  
20 had other problems with her that cost me  
21 money, so --

22 Q. Did you ever inquire as to why  
23 those checks were issued to you?

24 A. No.

25 Q. Did it occur to you to contact

United Health Care/The Empire Plan to find out why they would issue you those three checks?

A. I never did, so --

Q. Did you tell your wife that you received those three checks?

A. No, I haven't spoken to my wife at all.

Q. With regards to those three checks?

A. With regard to anything.

Q. Let me ask you the next logical question: What did you do with the money?

A. I replaced living room furniture that my wife had destroyed on the way out; I bought a used car to replace cars she wrecked while she was inebriated and I tried to pay back a few bills that we were behind on because she had been stealing money, so --

Q. It sounds like from your response it was in payment of items and debts that were caused by your wife; is that correct?

A. That's what I believe, yes.

MR. HATEM: You spent it.

THE WITNESS: That's why I did  
it.

Q. Do you have any of that money  
today, sir?

A. No, sir.

Q. Why don't you take a look at  
Plaintiff's Exhibit 1, 2 and 3 and actually  
Plaintiff's Exhibit 4.

If I were to tell you the total of  
those three checks was \$17,747.14, does that  
sound about right --

A. I guess.

Q. -- based upon mathematical  
calculation?

A. Yes.

Q. Did you receive any other  
checks other than the three checks that you  
have, Plaintiff's Exhibit 1, 2 and 3 from  
The United Plan?

A. Not that I remember, no.

Q. Were any of the three checks  
that you have in your hand, Plaintiff's



1  
2 Exhibit 1, 2 or 3, were those checks issued  
3 to you to reimburse you for the one day's  
4 hospitalization that you indicate you may  
5 have had?

6 A. No.

7 Q. They were not?

8 A. No.

9 Q. At any point subsequent to  
10 receiving those checks, did you find out  
11 those checks were issued in payment for  
12 medical treatment rendered to your wife?

13 A. Yes.

14 Q. When for the first time did you  
15 find out that those checks were issued to  
16 you in payment for medical treatment  
17 rendered to your wife?

18 A. I believe I got something in  
19 the mail from your office.

20 Q. Was it a hello, how are you?

21 A. No.

22 Q. What was it, sir?

23 A. It was some -- I'm not sure  
24 what it was. It was right after I filed  
25 bankruptcy, I believe was the first time I

1 actually -- I still really don't know what  
2 it was for. I mean I know it was for  
3 medical expense and I don't remember exactly  
4 when I was notified but it was around the  
5 time of my filing.  
6

7 Q. When you say you received  
8 something from my office, was it a letter?

9 A. I believe so. I can't -- I'm  
10 really not sure. I'm sorry. I think it was  
11 a legal document that came from your office.

12 Q. Summons & Complaint maybe?

13 A. Possibly.

14 Q. Did you try to contact my  
15 office after receiving whatever it is that  
16 you received from my office?

17 A. No.

18 Q. What is it that you did with  
19 whatever you received from my office?

20 A. I probably gave it to my  
21 attorney.

22 Q. The attorney sitting over here  
23 to your right --

24 A. I think so, yes.

25 Q. -- Mr. Bronson?

1  
2 If it was a Summons & Complaint, sir,  
3 did you ever interpose an Answer?

4 A. No.

5 Q. Did anyone on your behalf ever  
6 interpose an Answer in the Supreme Court  
7 case?

8 A. Not that I know of.

9 Q. If I understood your testimony,  
10 sir, prior to receiving whatever it is that  
11 you received from my office, you had no  
12 knowledge of those three checks that you  
13 received, Plaintiff's Exhibit 1, 2 and 3  
14 were issued to you for medical treatment  
15 that your wife had received?

16 A. I didn't know, no.

17 Q. Had you known at the time that  
18 you received the checks, would you have done  
19 something differently with those checks?

20 A. I really can't answer that. I  
21 don't know.

22 Q. You don't know what you would  
23 have done?

24 A. Yes.

25 Q. You may have done the same

1  
2 thing you indicated you did?

3 A. I just don't know.

4 Q. Had you received checks from  
5 your medical insurance company for treatment  
6 that you received?

7 A. No, because I always use  
8 participating providers. My wife chose to  
9 go there and knew that it wouldn't be  
10 covered, that we would have to get -- it  
11 would be -- they would issue us a check but  
12 I believe she was going to take the checks  
13 but they came in my name.

14 Q. What is it that causes you to  
15 remember that fact pattern?

16 A. That's a long fact pattern  
17 consistent with my wife's behavior.

18 Q. Is it your understanding that  
19 the services rendered by Northern  
20 Westchester Surgical might be termed out of  
21 network?

22 A. I really don't know. I'm sure  
23 there's people that do provide those  
24 services.

25 Q. What is it that caused you to

believe that your wife selected Northern Westchester Surgical as opposed to something in the network of The Empire Plan?

A. Because when I got the paperwork from you that was the name of the people that you were representing, so I didn't know where she went at first. I knew it was somebody not participating but I didn't know who.

Q. How is it you knew they were not participating?

A. Because these checks would have went directly to a participating provider. I never would have got them.

Q. Had you ever received reimbursement from The Empire Plan for treatments that you received that were not covered under the plan?

A. Probably, but it's a long time. I don't remember it.

Q. If you did, what would you do with those checks?

A. My experience is most times we had to pay the bill before we left. The

1  
2 check was to reimburse me.

3 Q. You never had an occasion where  
4 the payment came to you and then you would  
5 deposit it and then pay the provider?

6 A. Not that I remember.

7 MR. GATEM: Why don't you give  
8 me two minutes because I think I  
9 might be done.

10 Q. Going back to your matrimonial  
11 action, is it your intention to retain a new  
12 attorney?

13 A. Yes.

14 Q. What has happened to the files  
15 that were maintained by Mr. Bonanno?

16 A. They're in my house.

17 Q. You have them all?

18 A. Well, I have what he gave me.  
19 He said that's all he had.

20 Q. How long was he your attorney?

21 A. From the date of filing as far  
22 as I know was sometime early in 2015, like  
23 January, February. Although the index  
24 number says 2013. I don't know what that's  
25 all about.

1  
2 Q. You had an appearance this  
3 morning, did you not, sir?

4 A. Yes, I did.

5 Q. Did you appear by yourself?

6 A. Yes, I did.

7 Q. The matrimonial order or the  
8 order from the court stating that you had to  
9 pay your wife \$2,000 a month, was that prior  
10 to today?

11 A. Yes, like over a year.

12 Q. It's been over a year?

13 A. I believe so.

14 Q. Those payments were court  
15 ordered?

16 A. Yes.

17 Q. When did they start?

18 A. I'm really not sure but it was  
19 early last year in 2015.

20 Q. Sometime in the first quarter  
21 of 2015?

22 A. I believe so.

23 Q. The used vehicle that you  
24 testified that you purchased, is that  
25 registered in your name?

A. Yes, sir.

Q. Do you recall when you purchased the vehicle?

A. It wasn't long after those checks were issued. I can tell you that.

Q. Early part of 2015?

A. Yes.

Q. What did you purchase, sir?

THE WITNESS: I'm sorry?

Q. What did you purchase?

THE WITNESS: What type of vehicle?

MR. HATEM: Yes.

A. A 2006 Dodge Caravan.

Q. Of these three checks, Plaintiff's Exhibit 1, 2 and 3, did you use any of that money to satisfy a judgement that Capital One had obtained against you?

A. No, I didn't.

MR. HATEM: I think I'm done.

Thank you, Mr. McAllister.

(Whereupon this examination concluded at 1:48 p.m.)



PATRICK McALLISTER

Subscribed and sworn to  
before me this\_ \_ day  
of\_ \_ \_ \_ \_ , 2016.

Notary Public

## C E R T I F I C A T E

STATE OF NEW YORK       )  
                                  )ss.:  
COUNTY OF WESTCHESTER)

I, LISA DOBBO, a Shorthand  
Reporter and Notary Public within and for  
the State of New York, do hereby certify:

That PATRICK McALLISTER, the  
witness whose deposition is hereinbefore set  
forth, was duly sworn by me, and that such  
deposition is a true record of the testimony  
given by the witness.

I further certify that I am not  
related to any of the parties to this action  
by blood or marriage, and that I am in no  
way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 18th day of May,  
2016.

---

LISA DOBBO  
SHORTHAND REPORTER

EXHIBIT PAGE

<u>Plaintiff's Exhibits</u>	<u>Description</u>	<u>Page Number</u>
1	Photocopy of Check - Last four digits ending 2351	17
2	Photocopy of Check - Last four digits ending 7888	17
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4	Balance sheet	17
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6	Statement dated 1-16-15	24

\* \* \*

## REQUEST

Page 11	Production of copy of court order directing monies to be taken from Mr. McAllister's salary
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## ERRATA SHEET

The following corrections, additions or deletions were noted on the transcript of the testimony which I gave in the above-captioned matter held on 5/12/16:

Page\_\_ \_Line\_\_ SHOULD READ: \_\_ \_

REASON FOR CHANGE: \_\_ \_

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REASON FOR CHANGE: \_\_ \_

\_\_\_\_\_  
PATRICK McALLISTER

Subscribed and sworn to  
before me this \_\_\_\_ day  
of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public



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